

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV440**

METROPOLITAN GROUP, INC.,)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)
MERIDIAN INDUSTRIES, INC.,)	
Defendant.)	
)

THIS MATTER is before the Court on the Plaintiff's "Motion to Amend/Correct Complaint" (Document #13), filed December 2, 2009. Defendant has filed a Response indicating that Defendant does not object to Plaintiff's Motion. In addition, the undersigned notes that Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." Further, the Fourth Circuit has stated that "under Rule 15(a) leave to amend shall be given freely, absent bad faith, undue prejudice to the opposing party, or futility of amendment." United States v. Pittman, 209 F.3d 314, 317 (4th Cir. 2000). For the above stated reasons, the Plaintiff's Motion shall be granted. The court also notes that granting Plaintiff's Motion to Amend will render Defendant's earlier filed Motion to Dismiss moot. Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F. Supp. 2d 590, 614 (M.D.N.C.); accord Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001).

NOW THEREFORE, the Plaintiff's "Motion to Amend/Correct Complaint" (Document #13), is hereby **GRANTED**. Plaintiff has attached an Amended Complaint as Exhibit A to the Motion to Amend, and the clerk is directed to docket this attachment as Plaintiff's Amended Complaint.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Document #6), filed November 9, 2009, is now **MOOT**.

Signed: December 16, 2009



Richard L. Voorhees
United States District Judge

